III. REMARKS

The Examiner has objected to the drawings. Appended hereto is a replacement drawing amending Fig. 11A to add reference numeral 398. This drawing amendment overcomes the Examiner's objection. With respect to the stop in Claim 21, the Examiner is directed to Fig. 10A, which shows stop 314 (see also page 14, line 11-12 of the Specification).

Claims 1-2, 10-12, 15, 20-22, 39-40, 45, and 58-63 have been rejected under 35 U.S.C. 102 as being anticipated by Cutlan. The Applicant respectfully disagrees.

Claim 1 calls for a hollow drinking straw cutting spiral cut craft tool with a housing for a hollow drinking straw, the housing having a cutting guide being disposed to substantially surround the hollow straw for supporting the straw to constrain the straw at the cutting edge. Cutlan simply does not anticipate the features in claim 1.

Cutlan has been addressed at length in the Applicant's earlier response, the arguments of which are incorporated by reference herein. It appears that the Examiner continues to improperly ignore the language in claim 1 calling for a "hollow drinking straw cutting spiral cut" craft tool. Though in the preamble, this language cannot be ignored because it defines structural difference relative to other cutting spiral cut tools or turning tools such as the grooving tool in Cutlan. Indeed, this is especially so with respect to spiral turning tools such as the tool in Cutlan. As noted before, the structural differences in the structure of the hollow drinking straw cutting spiral cut tool compared to other turning tools (whether cutting or not) arise from the differences in the mechanical properties of hollow

drinking straws compared to other materials, such as wooden dowels, metal pipes, rubber tubing that are conventionally turned. As also noted before, hollow drinking straws have a low structural strength, and are readily subject to circumferential collapse. Hollow drinking straws have little longitudinal bending strength, and none whatsoever after being spirally cut. In sharp contrast, wooden dowels such as turned with the grooving tool in Cutlan, are very rigid both circumferentially and longitudinally. The structure of turning tools for wooden dowels, such as the spiral grooving tool in Cutlan, is based on material properties of wooden dowels which are so very different from hollow plastic drinking straws. Thus, while the structure of turning tools (such as in Cutlan) for wooden dowels provides for generating large pinching forces needed for grooving the dowels, a hollow drinking straw cutting spiral cut tool avoids such pinching forces to prevent crushing the "weak" hollow drinking straws.

The structure of the turning tool for wooden dowels has "short" pinching jaws and "long" (compared to the jaws pinching the dowel) handles for leverage in generating the pinching forces on the dowel required to form the spiral groove. Such structure (e.g. pinching jaws operates against the workpiece by long handles) simply cannot be used on a spiral cutting tool for a hollow drinking straw even if the structure is scaled for use on a straw. (The long handles which offset the hand from the workpiece provide no control on pinching forces to prevent crushing the hollow drinking straw or on positioning the cutting edge of the tool on the workpiece.) Further, due to the longitudinal rigidity, even after turning of the wooden dowel, the structure of the turning tool (such as in Cutlan) allows the tool to be supported from the dowel and does not have grasping

features that provide for both holding and fine positioning of the cutting tool relative to the workpiece. In other words, the tool in Cutlan hangs from the wooden dowel, the operator merely using the handles to generate the sizable pinching forces for cutting. The auxiliary guide m rides over the rigid grooved portion in the grooves formed to stably hold the angle between tool and workpiece. None of this is possible with a spiral cut hollowing drinking straw. The tool structure cannot be such that the tool is supported from the hollow drinking straw because the straw simply lacks the strength, especially after being spiral cut. Long handles (such as in Cutlan) that operate pinchers pinching the hollow drinking straw in order to hold and cut the straw do not work, resulting simply in the straw being crushed. The spiral cut portion is not rigid to allow a guide to orient the tool therefrom. The long handles placing the operator's hand at a distance from the straw centerline prevent fine position control between tool and straw. It appears from page 5 of the action that the Examiner concurs with the Applicant that hollow drinking straws have different mechanical properties than wooden dowels. However, the Examiner goes on to state that there are straws of "rigid" plastic. Such "rigid" straws cannot be cut much less spirally cut (they are brittle and break when subjected to point pressure) with a tool for cutting spiral cuts in a hollow drinking straw. Claim 1 calls for a hollow drinking straw cutting spiral cut craft tool, which structurally is very different than the turning tools for wooden dowels such as the tool in Cutlan.

In addition, claim 1 calls for the cutting guide being disposed to substantially surround the hollow straw for supporting the straw to constrain the straw. Cutlan fails to disclose such features. Guide g clearly fails to substantially surround the

dowel n (being located only against a bottom portion of the dowel). Guide m contacts the dowel n on the top. There are no other cutting guides between m and g (features f and e are the frame/pinch arms supporting cutting guides g, m but are clearly not in and as of themselves cutting guides. They make no contact with and simply do not effect guidance of the dowel n in any way). Two mere opposing local guides m, g as in Cutlan cannot be reasonably considered to substantially surround the dowel n. Furthermore, neither guide m or g provide any kind of support to the dowel n. As noted before, the dowel is supported in a lathe, and is rigid so that the guides m, g, though in contact with the dowel n provide no support to it. On the contrary, it is the dowel n fixed in the lathe chuck that supports (at least in part) the tool a via contact with guides m, g. Removing the dowel n from the lathe, so that the dowel indeed is supported from the guides m, g, renders the turning tool a in Cutlan inoperative (i.e. without holding the dowel in a lathe, the tool operator cannot both operate the tool and turn the dowel). Thus, Cutlan fails to disclose the cutting guide being disposed to substantially surround the hollow straw for supporting the straw to constrain the straw as called for in claim 1.

Further still, guide m is not even operative as a cutting guide for supporting the hollow straw to constrain the straw. As seen best in Fig. 2 in Cutlan, (a marked up copy of which is attached hereto for the convenience of the Examiner) guide m in Cutlan engages only with the spiral grooved portion of dowel n. In the case of a straw, guide m would be positioned over only the spiral cut portion of the hollow straw. The spiral cut portion of the straw is very flexible, so that not only would it droop away from the guide m (making it unlikely that the guide m could even contact much less engage the spiral cut portion), but even if

contacted by the guide m, the flexible spiral cut portion readily moves away from guide m preventing the guide m from providing any constrain on the hollow straw at the cutting edge as called for in claim 1. Claims 1-2 and 7-10 are patentable over the cited prior art and should be allowed.

Claim 11 recites that the secondary component (of the cutting guide) is adapted to further guide the hollow straw in a different direction than the cutting guide. Cutlan fails to disclose this. The Applicant respectfully notes that the Examiner is incorrect in stating on page 5 of the Action that the "Applicant proves that guide m and g guide the tool in the same direction." The Applicant's argument is that guide m and g fail to guide the workpiece (wooden dowel n or hollow straw) in different directions. Guiding the tool is not the same as guiding the hollow straw (workpiece). Indeed, guides m and g fail to guide wooden dowel n in any way (the dowel being fixed in the lathe and longitudinally rigid). Removal of the dowel from the lathe, to allow the dowel to be guided through the tool, renders the tool inoperative (as noted before). Even if, for arguments sake, the Cutlan tool can be effectively operated with the wooden dowel removed from the lathe so that it is supported from the tool, still guide m would fail to guide the dowel in a different direction from guide g. The reason is illustrated in a marked up copy of Fig. 1 appended hereto. Guide m is hinged to frame f by a bolt and thus provides no restraint against the dowel in the radial direction (the contact force normal to the contact surface rotates the guide m about hinge away from the dowel) and hence no guidance in that direction. Guide m engagement with the small groove o provides guidance to (i.e. maintains the orientation of) the dowel n in only the same direction as the guide g. Further still, when operating on a

hollow straw, the guide m in Cutlan is wholly ineffective, because the guide m is positioned to contact (if such contact is even possible) the flexible spiral cut portion which due to its flexibility does not provide a guidance response/action to the straw when acted upon by the guide m (this is akin to pushing on a rope). Claim 11 is patentable over the cited prior art and should be allowed.

Claim 15 calls for the cutting guide guiding the hollow straw during insertion to the cutting edge, and the secondary component further guiding the straw during insertion to the cutting edge. Cutlan does not anticipate these features. As noted before, guide m in Cutlan would contact the spiral cut portion of the hollow straw which due to its flexibility prevents guide m from imparting a guidance input on the portion of the straw being inserted to (i.e. before) the cutting edge. Guide m in Cutlan is simply not effective in further guiding the hollow straw during insertion to the cutting blade as called for in claim 15.

Claim 39 is similar to claim 1 as it also calls for the cutting guide being disposed to substantially surround the straw for supporting the straw. Accordingly, claims 39-40, and 42-45 are also patentable over the cited prior art and should be allowed.

Claims 58 and 61 are similar in that both call for the housing being a molding at least in part. This is not disclosed in Cutlan, nor any other cited prior art.

Claims 59 and 60 are similar in that both call for the housing being of unitary construction. This is not disclosed in Cutlan (tool frame a is clearly a multi-piece assembly), nor any other cited prior art.

Claims 62 and 63 are similar in that both call for the cutting edge being located for spiral cutting through a wall of the straw. This is not disclosed or suggested in any cited prior art.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

3/5/04

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